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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT TACOMA

9 ADAM DAVIS,

10 Petitioner,

11 v.

12 SCOTT RUSSELL,

13 Respondent.

CASE NO. C12-5645 RJB-JRC
ORDER ADOPTING A REPORT
AND RECOMMENDATION

14 The Court has reviewed the Report and Recommendation of Magistrate Judge J. Richard
15 Creatura and the remaining record. No objections to the Report and Recommendation was filed.
16 It is ORDERED:

- 17 1. The Court adopts the Report and Recommendation;
- 18 2. The Court dismisses the petition as procedurally barred.
- 19 3. The Court will not issue a certificate of appealability.
- 20 4. The Clerk is directed to send a copy of this Order to petitioner, and to the
Hon. J. Richard Creatura.

21 DATED this 2ND day of January, 2013.

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ROBERT J. BRYAN
United States District Judge